

STAFF REPORT
November 9, 2006

No. 06VE029 - Vacation of Easement

ITEM 28

GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying for Richard Gary and Cory Michael Lundstrom
REQUEST	No. 06VE029 - Vacation of Easement
EXISTING LEGAL DESCRIPTION	Lot 3, Stonehanks Subdivision, located in the SW1/4 SE1/4, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.36 acres
LOCATION	2525 West Chicago Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Light Industrial District
South:	Light Industrial District
East:	General Commercial District
West:	Light Industrial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/13/2006
REVIEWED BY	Karen Bulman / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Vacation of Easement for an "Emergency Vehicle Easement" be approved with the following stipulations:

1. Prior to City Council approval, Exhibit "A", the revised location for the Emergency Vehicle Easement, shall be noted on the exhibit as an easement; and,
2. Prior to City Council approval, Exhibit "A", the revised location for the Emergency Vehicle Easement, shall be recorded with the Register of Deeds.

GENERAL COMMENTS: The subject property is located at 2525 West Chicago Street. The property was originally platted in 1989 as Lots 1, 2, and 3 of Stonehanks Subdivision. The plat identifies an emergency vehicle easement on Lot 2 and 3. The easement on Lot 3 is in the same location as the existing commercial building. The applicant is requesting the vacation of easement be approved and a revised location for the easement be recorded with the Register of Deeds.

The Emergency Vehicle Easement was also located in a utility and drainage easement. On November 2, 1992, the Council approved a resolution vacating a utility and drainage easement for the south 100 feet of the north 125 feet of the eight foot wide easement along

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the east side of the subject property. This action removed the utility and drainage easement located in the same area as the Emergency Vehicle Easement.

STAFF REVIEW: Staff has reviewed the proposed vacation of easement as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

Emergency Vehicle Easement: The current location of the easement on Lot 3 is within a vacated portion of the utility and drainage easement and is in the same location as the existing commercial building. The applicant is requesting that this easement be vacated and a revised Exhibit "A", indicating a location north of the building, be recorded at the Register of Deeds. Prior to approval of this Vacation of Easement by the City Council, an Exhibit "A" for the revised location of the easement shall be recorded with the Register of Deeds. No parking shall be allowed within the revised location for the Emergency Vehicle Easement.

Staff is recommending approval of the Vacation of Emergency Vehicle Easement for Lot 3 with the stated stipulations.